



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

DOD: 11-25-04	FRESNO COUNTY PUBLIC ADMINISTRATOR was appointed Successor Administrator on 11-28-06.	NEEDS/PROBLEMS/COMMENTS:
Conf from 041814, 052314, 111714, 011215, 012015, 030315, 071415, 111715, 041216	Background: PRESTON VAN CAMP , Grandson, in pro per, was appointed as Administrator with Full IAEA without bond on 4-12-05 and Letters issued 4-14-05. Pursuant to various Assignments of Interest, Preston Van Camp was also to be the sole beneficiary. I&A filed 8-11-05 indicated a total estate value of \$175,249.00 consisting of real and personal property.	<u>Minute Order</u> 4/12/16: Counsel reports that the unlawful detainer was executed and the home has been sold. The PA requests another 60 days to complete the account.
Aff.Sub.Wit.	A status report filed 4-17-09 indicated that the decedent apparently owed taxes since 1997; therefore, the Administrator needed a 6-month continuance to sell assets, pay creditors, and file the petition for final distribution. The Administrator did not appear at the continued hearing date; however, and an OSC was issued.	Status Report filed 4/8/16 states the PA is in the process of paying claims and will then be able to file the account and petition for distribution. Therefore, an additional 60 days is requested.
Verified	On 11-28-06, Preston Van Camp was removed as Administrator and the Public Administrator was appointed as Successor Administrator.	1. Need petition for final distribution.
Inventory	The former Administrator was ordered to file his final account and distribute to the Public Administrator. The former Administrator's account and later his amended account detailed various transactions, including granting an option to purchase the real property. The Public Administrator filed objections, and both the original account and the amended account were ultimately denied. According to the amended petition, all assets inventoried (real and personal property) remained on hand.	
PTC	On 11-5-07, the Court ordered the assets turned over to the Public Administrator and reserved the right to surcharge.	
Not.Cred.	There was no further activity in this case until 2-14-14 when the Court set this status hearing for failure to file a petition for final distribution.	
Notice of Hrg	Status Report filed 11/13/15 states the PA filed an Unlawful Detainer action for the eviction of Pamela Van Camp from the real property belonging to the estate and was granted a judgment and a writ was issued. Ms. Van Camp was evicted. She filed a Notice of Appeal, but failed to file her brief before the deadline. She obtained an extension and filed her brief before the new deadline. On 10/21/15, the Court mailed a Notice to Appellant of Failure to Procure Record on Appeal. She has 15 dates (sic) from the mailing of that notice (Nov. 5) to reply. To date, she has not responded.	
Aff.Mail	In the meantime, proposed buyers remain interested in purchasing the property. Should the appeal be dismissed, the PA can proceed with the sale and close the estate. The PA requests continuance of at least four (4) months from the date of this status hearing.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Fourth Account and Report of Guardian, Petition for Its Settlement, Petition for Allowance of Fees to Guardian of Estate, for Attorney Fees and Reimbursement of costs Advanced

		BRUCE BICKEL , Guardian of the Estate with bond of \$10,000.00, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Note: If granted, the Court will set a status hearing for Tuesday, May 29, 2018 for filing of the Fifth Account.</u>
		Account period: 2/1/14 – 3/31/16	
		Accounting: \$148,538.29	
		Beginning POH: \$148,499.22	
	Aff.Sub.Wit.	Ending POH: \$122,468.26	
✓	Verified	(\$34,968.26 cash plus a 50% interest in residential real property)	
	Inventory		
	PTC		
	Not.Cred.	Guardian: \$5,279.95 (for 42.74 hours of Guardian/staff @ \$60-150/hr; services include paying bills, maintaining assets, taking care of minor's residence. See itemization at Exhibit A.)	
✓	Notice of Hrg		
✓	Aff.Mail		
	Aff.Pub.	Attorney: \$2,500.00 (per Local Rule)	
	Sp.Ntc.		
	Pers.Serv.	Costs: \$435.00 (filing)	
	Conf. Screen	Bond of \$10,000.00 is sufficient.	
✓	Letters	Petitioner prays for an order:	
	Duties/Supp	1. Notice of Hearing of this Fourth Account, Report, and Petition be given as required by law;	
	Objections	2. Settling and allowing this account and report and approving and confirming the acts of Petitioner as Guardian;	
	Video Receipt	3. Authorizing payment of \$5,279.95 to Petitioner as Guardian of the Estate as compensation for his services during the period of this accounting, said sum to be withdrawn by Bruce Bickel, Guardian of the Estate, from Central Valley Community Bank Blocked Money Market Savings Account xx468;	
	CI Report	4. Directing Petitioner to pay the sum of \$2,500.00 to Jeffrey B. Pape for his services to Petitioner and the guardianship estate during this account period, said sum to be withdrawn by Bruce Bickel, Guardian of the Estate, from Central Valley Community Bank Blocked Money Market Savings Account xx468;	
✓	2620	5. For such other orders as the Court deems proper.	
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Reviewed by: skc
Reviewed on: 6/9/16
Updates:
Recommendation:
File 3A- Ellis

Ex Parte Petition for Withdrawal of Funds from Blocked Account

		BRUCE BICKEL , Guardian of the Estate with Bond of \$10,000.00, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states the unblocked checking account currently has a balance of \$3,527.19. The blocked money market savings account has a current balance of \$29,860.68.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 6/9/16
			Updates:
			Recommendation:
			File 3B- Ellis

Fourth Account and Report of Guardian, Petition for Its Settlement, Petition for Allowance of Fees to Guardian of Estate, for Attorney Fees and Reimbursement of Costs Advanced

		BRUCE BICKEL , Guardian of the Estate with bond of \$10,000.00, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Note: If granted, the Court will set a status hearing for Tuesday, May 29, 2018 for filing of the Fifth Account.</u>
		Account period: 2/1/14 – 3/31/16	
		Accounting: \$146,328.11	
		Beginning POH: \$146,292.87	
		Ending POH: \$116,298.07	
	Aff.Sub.Wit.	(\$28,798.07 cash plus a 50% interest in residential real property)	
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.	Guardian: \$5,944.00 (for 47.27 hours of Guardian/staff @ \$60-150/hr; services include paying bills, maintaining assets, taking care of minor's residence. See itemization at Exhibit A.)	
✓	Notice of Hrg		
✓	Aff.Mail		
	Aff.Pub.	Attorney: \$2,500.00 (per Local Rule)	
	Sp.Ntc.		
	Pers.Serv.	Costs: \$435.00 (filing)	
	Conf. Screen	Bond of \$10,000.00 is sufficient.	
✓	Letters	Petitioner prays for an order:	
	Duties/Supp	1. Notice of Hearing of this Fourth Account, Report, and Petition be given as required by law;	
	Objections	2. Settling and allowing this account and report and approving and confirming the acts of Petitioner as Guardian;	
	Video Receipt	3. Authorizing payment of \$5,944.00 to Petitioner as Guardian of the Estate as compensation for his services during the period of this accounting, said sum to be withdrawn by Bruce Bickel, Guardian of the Estate, from Central Valley Community Bank Blocked Money Market Savings Account xx476;	
	CI Report	4. Directing Petitioner to pay the sum of \$2,500.00 to Jeffrey B. Pape for his services to Petitioner and the guardianship estate during this account period, said sum to be withdrawn by Bruce Bickel, Guardian of the Estate, from Central Valley Community Bank Blocked Money Market Savings Account xx476;	
✓	2620	5. For such other orders as the Court deems proper.	
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Reviewed by: skc

Reviewed on: 6/9/16

Updates:

Recommendation:

File 4A- Ellis

Ex Parte Petition for Withdrawal of Funds from Blocked Account

		BRUCE BICKEL , Guardian of the Estate with Bond of \$10,000.00, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states the unblocked checking account currently has a balance of \$1,768.34. The blocked money market savings account has a current balance of \$25,449.00.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 6/9/16
			Updates:
			Recommendation:
			File 4B- Ellis

Probate Status Hearing RE: Filing of the Petition for Final Distribution by the Public Administrator

DOD: 1/28/13	<p>History: LUPE GALINDO, Niece and Former Executor, filed her Amended First and Final Account on 6/8/15; however, due to the existence of a certain creditor's claim, the estate did not appear to be in a condition to close.</p> <p>At hearing on 3/4/15, Ms. Galindo was removed as Executor and the Public Administrator was appointed as the Personal Representative of the Estate.</p> <p>At hearing on 11/10/15, Ms. Galindo's petition was denied, and the Court set this status hearing for the filing of the petition for final distribution by the Public Administrator.</p> <p>Status Report filed 3/7/16 states the PA found a buyer for the real property for over 100% of the appraised value; however, the foreclosure could not be delayed in order to sell the property to that buyer. The PA was informed by their broker that the administrator is entitled to fees. At present, the PA is waiting for a response from Wells Fargo Bank, who is handling any refunds, to find out the status. The PA hopes to have a response by 3/10/16.</p> <p>There will be no assets left after the refund is received and outstanding costs of administration are paid because the DHS has a lien in the amount of \$98,508.40. The PA therefore requests a 90 day continuance.</p> <p>Status Report filed 5/23/16 states the real property has now been sold at foreclosure. The state contains \$2,538. No response has been received from Wells Fargo as to whether the amount received exceeded the balance owed. An additional 60 days is requested to determine if there is money to be recovered from the sale.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need petition for final distribution.</p>
Cont. from 030816		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Reviewed by: skc
Reviewed on: 6/8/16
Updates:
Recommendation:
File 6- Samora

Ali Nagi Tareb (Estate)

Bagdasarian, Gary G. (for Walid Tareb – Former Administrator/Petitioner)
(also for Maler Attareb – Current Administrator)

Case No. 13CEPR00452

**First and Final Account and Report of Status of Administration of Administrator and
Petition for Settlement Thereof; for Waiver of Statutory Administrator's Compensation and
Statutory Attorney's Fees; and for Final Distribution**

DOD: 08/14/11		WALID TAREB , son and <u>Former</u> Administrator with Limited IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 07/03/13-09/30/15 Accounting: \$85,000.00 Beginning POH: \$85,000.00 Ending POH: \$85,000.00	Minute Order 4/5/16: Counsel requests 60 days. Continued to 6/14/16.
Cont. from 010516, 040516			
	Aff.Sub.Wit.	Administrator (statutory): Waived	The following issues remain noted: <u>SEE PAGE 2</u>
✓	Verified		
✓	Inventory	Attorney (statutory): Waived	
✓	PTC		
✓	Not.Cred.	Petitioner states that the sole asset of the estate is real property that was appraised at \$85,000.00 and is subject to a loan in favor of Wells Fargo Bank in excess of \$130,000.00 as of 07/13/13 and therefore there is no equity in the property. Wells Fargo commenced foreclosure on the property which was continued several times over the past two years in order to attempt to modify the loan, which was unsuccessful. Consequently, there remain no assets in the estate and the estate is insolvent.	
✓	Notice of Hrg		
✓	Aff.Mail w/		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
	Duties/Supp		
	Objections		Creditor's claims were filed in the estate as follows: CA Franchise Tax Board: \$1,363.92 CA Board of Equalization: \$6,067.41 Declaration of Gary Bagdasarian filed 11/23/15 states that the current market value of the residence is approximately \$153,155.00 - \$160,323.00 and the current outstanding balance of the mortgage is \$169,449.46.
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice	Update: A Status Report was filed 4/4/16 by Successor Administrator Maler Ali Attareb.	
			Reviewed by: JF/skc
			Reviewed on: 6/8/16
			Updates:
			Recommendation:
			File 7- Tareb

Status Report filed 4/4/16 by Successor Administrator Maler Ali Attareb states he was appointed 2/10/16 and Letters issued 2/11/16. The previous administrator attempted to work with Wells Fargo Bank in restructuring a first deed of trust on the estate property; however, his efforts did not result in said modification being completed. Since appointment, the Successor Administrator has worked with Christopher Riehl in further attempting modification as a foreclosure sale previously set for 2/17/16 has been continued until 5/6/16. They believe there is very good opportunity to restructure the first deed of trust so that the asset may be maintained rather than lost. The heirs listed at that address remain there. While the FTB claim has been satisfied and withdrawn, there remains a claim of the BOE which will be dealt with once a determination has been made to restructure the first deed of trust. **Consequently, a request is made for a 60-day continuance.**

NEEDS/PROBLEMS/COMMENTS: The following remain noted for reference:

1. This petition was filed by the former administrator, Walid Tareb, prior to his resignation and appointment of Maler Attareb, another son of the decedent, as Successor Administrator on 2/9/16 pursuant to ex parte petition and order.

Examiner Notes previously noted that although the estate was requested to be closed as insolvent, the property was not yet foreclosed, and as such was still considered "property on hand." Additionally, several of the heirs were mailed notice at the property.

Examiner Notes also noted that Allowance or Rejection of the Creditor's Claim filed 5/27/14 by the California State Board of Equalization (BOE) had not been filed.

Upon review for this continued hearing, it appears that an Allowance or Rejection of the BOE claim still has not been filed, and the Notice of Hearing filed 1/7/16 for this hearing on 4/5/16 still indicates that mailing to several heirs at the foreclosed address.

At this time, need verified written status update regarding the real property asset of the estate, including whether amended petition by newly appointed the Successor Administrator may be appropriate. Also, the Court may require confirmation that all heirs have received proper notice of this hearing, given the mailing to the foreclosed address.

2. Need Allowance or Rejection of Creditor's Claim for the BOE Claim filed 5/27/14 pursuant to Probate Code §9250, with service on the BOE. If rejected, the creditor has 90 days to act.
Note: Notice of Hearing was served on the BOE for this hearing; however, notice of allowance or rejection is still required.
3. The proposed order reflects that any other property not now known or discovered shall be distributed 82% to the BOE and 18% to the CA Franchise Tax Board (FTB) until their respective claims are paid. This implies that both claims were allowed and have not been paid.

However, Petitioner filed a Notice of Rejection of the FTB claim on 12/16/15, and on 2/1/16 and again on 2/16/16, the FTB filed withdrawals of its claim, indicating that the claim has been satisfied. Therefore, the proposed proportional distribution is inappropriate, since the claim has been both rejected and apparently satisfied.

It appears that the only claim remaining to be addressed in the Order is that of the BOE in the amount of \$6,067.41. In addition to the Allowance or Rejection, if the claim is allowed, a revised order is needed to reflect payment of only this claim.

4. If the FTB claim was paid, but the BOE claim was not, the Court may require clarification with reference to Probate Code §11420 (priority of debts).
5. **NEW**: Notice of Hearing filed 4/6/16 indicates a hearing date on 5/10/16; however, there was no hearing on that date. Need clarification.

Probate Status Hearing RE: Filing of the First or Final Account

DOD: 5/22/13	TERRI JEAN , Surviving Spouse and Administrator with Limited IAEA with bond of \$64,400, filed a First Account on 2/25/15, which was set for 4/7/15.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 3/15/16:</u> Mr. Roberts reports that they have an offer on the house that is about \$80,000 under the asking price, and will be making a counter-offer. The Court indicates that if on 6/14/16 the property has not sold, then counsel will be directed to file status reports. 1. Need final account or written status report per Local Rule 7.5.
Cont. from 031516	RANDI POE , Daughter, filed Objection to Inventory; Petition to Establish Estate's Ownership of Real Property, and for Order Directing its Transfer to Estate under Probate Code §850 on 3/2/15, which was separately set for hearing on 4/7/15.	
Aff.Sub.Wit.	Ms. Poe also filed an Objection to the Administrator's Account on 4/3/15.	Reviewed by: skc Reviewed on: 6/8/16 Updates: Recommendation: File 9A - Jean
Verified	On 4/7/15, the matter was set for trial; however, on 5/12/15, the trial was vacated. Minute Order states parties are working on an agreement.	
Inventory	At settlement conference on 5/19/15, the Court set a status hearing re agreement and trial.	
PTC	Minute Order 12/15/15 states: Counsel represent that they have settled the dispute. The First Account of Administrator, and Petition for its Settlement, along with the Objection to Inventory; Petition to Establish Estate's Ownership of Real Property, and for Order Directing its Transfer to Estate are reset as well for disposition. Hearing set on 3/15/16 for status re filing first or final account.	
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

1) First Account of Administrator, and 2) Petition for Its Settlement

DOD: 5-22-13		<p>TERRI JEAN, Surviving Spouse and Administrator with Limited IAEA with bond of \$64,400, is Petitioner.</p> <p>Account period: 5-22-13 through 12-31-14 Accounting: \$195,517.83 Beginning POH: \$195,517.83 Ending POH: \$195,517.83 (Cash of \$1,277.83 plus personal business property valued at \$185,740.00 and personal misc. musical instruments/gear valued at \$8,500.00)</p> <p>Petitioner states the real property originally inventoried was found to have been owned in joint tenancy with Petitioner and thus was removed from Probate administration. See Quit Claim Deed attached to Corrected Inventory and Appraisal Partial No. 1 filed 2-18-15.</p> <p>Petitioner states the decedent executed the Quit Claim Deed on 10-6-08 transferring title to the real property located at 9077 E. Mountain View Ave., in Selma to: Randy A. Jean, an unmarried man, and Terri Lynn Wekseth, an unmarried woman, as joint tenants with rights of survivorship. Subsequent to execution, the decedent and Petitioner were married. The deed was recorded on 8-23-13. Prior to filing her petition for probate, Petitioner notified her attorney, Joanne Sanoian, about the quitclaim deed and was informed that because it was recorded after the decedent's death, the property had to be part of the estate. In January 2015, Petitioner contacted a realtor to list the property as ordered by the Court. The realtor informed current counsel Gregory J. Roberts of the Quit Claim Deed, which resulted in the corrected Inventory and Appraisal removing the real property from the estate.</p> <p>Petitioner states two creditor's claims have been filed, but remain unpaid.</p> <p>Petitioner prays for an order that:</p> <ol style="list-style-type: none"> 1) The first account of Petitioner as Administrator be settled, allowed and approved as filed; 2) All acts and proceedings of Petitioner as Administrator relating to the matters set forth in the petition be confirmed and approved; and 3) Such further orders as the Court considers proper. <p>SEE ADDITIONAL PAGES</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 3/15/16: Matter is reset for disposition on 6/14/16.</p> <p>Note: On 8/6/15, Petitioner filed an I&A reinstating the Selma property as an asset of this estate as well as a reappraisal for sale. As such, it appears this account may need to be amended. Need clarification.</p> <p>Note: On 3-2-15, Randi Poe, daughter, filed Objection to Inventory; Petition to Establish Estate's Ownership of Real Property, and for Order Directing its Transfer to Estate (Probate Code §850(a)(2); 856), which is Page C of this calendar. That petition includes specific objections to the Quit Claim Deed referenced herein.</p> <p>SEE ADDITIONAL PAGES</p> <p>Reviewed by: skc</p> <p>Reviewed on: 6/8/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File</p>
Cont. from 031516			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters 11-20-13		
<input type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Objection to First Account of Administrator and Petition for 1) Surcharge; 2) Removal of Administrator; and 3) for Attorney Fees and Costs Advanced filed 4-3-15 by Randi Poe, Daughter states:

- The real property was removed from the estate, but should be included in the accounting.
- Rental receipts for the taco truck owned by Ramiro Navarro that has been parked on the property (that has been removed from the estate) since 2004 are not included in the accounting. Obejctor believes receipts should reflect approx. \$16,830, which represents \$630/month from the taco truck per the agreement.
- Income from the sale of various personal property, which the administrator sold without notice, totaling approx. \$2,352.65 should be included in the accounting.
- Income from the rental of the real property should be included in the accounting. Objector states Terri Jean has not filed any petition for Probate Homestead and would only be entitled to remain in temporary possession until the inventory is filed and for a period of up to 60 days afterward without further order of this Court. Probate Code §6500. Administrator has been solely in control of the timing and filing of the inventory in this estate and it has taken her nearly two years to sort out what should have been a simple inventory.

See also Declaration of Randi Jean in Support of Objection.

Objector requests an order that:

- 1. Administrator be determined to be liable for rental income from the taco truck at \$630/month from 5-22-13 plus interest until recovered to the estate as set forth in the Objection;**
- 2. Administrator be determined to be liable for undisclosed income from the sale of various personal property in the amount of \$2,352.65 plus interest until recovered to the estate as set forth in the Objection;**
- 3. Administrator be determined to be liable for rental income from the property from 5-20-14 (60 days after filing I&A Partial #1) plus interest as set forth in the Objection;**
- 4. Monetary liability for the taco truck rents, property rent, and the undisclosed sale of the personal property be charged against the Administrator ordinary and any extraordinary fees;**
- 5. The Administrator be removed;**
- 6. Objector recover costs and attorney fees; and**
- 7. Such other and further orders be made as this Court may deem proper under the circumstances.**

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS (PETITIONER): The following issues remain noted:

1. Note previously stated: The Court may require authority for exclusion of the real property from the estate, given that the Quit Claim Deed was recorded after Decedent's death, and also given that the Court specifically made an order that the real property, which had previously been inventoried as an asset of the estate, is to be sold. (See Minute Order of 1-12-15.)

Update for 3/15/16: On 8/6/15, Petitioner filed an I&A reinstating the Selma property as an asset of this estate as well as a reappraisal for sale. As such, it appears this account may need to be amended.

As of 6/8/16, nothing further has been filed. Need clarification.

2. In her Objection to Appointment of Randi Jean as Special Administrator filed 9-17-13, Petitioner describes various actions that she took with regard to Decedent's assets, including collection of rents, payment of expenses, transfer of title of various assets, theft of an asset, etc.

However, this First Account indicates no actions were taken at all since Decedent's death. The Court may require clarification.

3. Bond of \$64,400.00 does not appear sufficient. The Court may require an increase to at least \$195,517.83. See Cal. Rule of Court 7.204 (Duty to apply for order increasing bond).

4. Petitioner does not provide the reasons why the estate cannot be distributed and closed and an estimate of time needed to close administration pursuant to Probate Code §12200(a).

Note: The Court will set a status hearing for the filing of the Final account as appropriate.

NEEDS/PROBLEMS/COMMENTS (OBJECTOR):

1. Objector requests removal of the Administrator in her objection to the Accounting; however, separate noticed petition may be required pursuant to Probate Code §8500.

Objection to Inventory; Petition to Establish Estate's Ownership of Real Property,
and for Order Directing its Transfer to Estate

DOD: 5-22-13		<p>RANDI POE, Daughter and interested person within the meaning of Probate Code §850(a)(2), is Petitioner.</p> <p>Petitioner states on 10-6-08, Decedent executed a document titled "In case of death his will to protect people he had to" and had the same acknowledged by Sarbjeet Kaur, a licensed notary public, commission #2097311 (the "Will"). A copy of entry number 8 in the journal of notarial acts of Sarbjeet Kaur dated 10-6-08 is attached to this petition as Exhibit A. See also Exhibit B, which is a certification of notary journal entry executed 2-23-15 by Sarbjeet Kaur.</p> <p>On numerous occasions prior to his death, Decedent told Petitioner and her brother that "he would take care of them" if he died. In all conversations Petitioner had with Decedent from 2008 until he died, Decedent never once mentioned that his single most valuable asset, the real property located at 9077 E. Mountain View Ave., in Selma, had already been quitclaimed to himself and Terri Jean as joint tenants with rights of survivorship, and would therefore eventually be the sole property of Terri after his death.</p> <p>Decedent died 5-22-13 in possession of and holding record title to the property.</p> <p>On 8-23-13, a document purporting to be a Quit Claim Deed was recorded against the property in Official Records of Fresno County as Doc #2013-0121190 (Exhibit C). The Quit Claim Deed purports to be executed on 10-6-08, but was not recorded until 8-23-13, nearly five years later.</p> <p>Page 4 of the Quit Claim Deed, the signature page of Decedent, is in a different font than pages 1-3, and includes entirely inappropriate text for a quitclaim deed as follows: "After my Will or (Estate Plan) this statement of my last wishes shall be voided."</p> <p>Petitioner states the Quit Claim Deed is fraudulent because the signature page from the Quit Claim Deed is from the Will, acknowledged by notary Sarbjeet Kaur, and the notarial journal and certification of Sarbjeet Kaur provide evidence of this.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 3/15/16: Matter is reset for disposition on 6/14/16.</p> <p>Note: On 8/6/15, Petitioner filed an I&A reinstating the Selma property as an asset of this estate as well as a reappraisal for sale. As such, it appears this petition may be moot.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	
Cont. from 031516				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
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<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
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<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
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<input type="checkbox"/>	FTB Notice			

Petitioner states (Continued): The recording caption of the Quit Claim Deed provides that Decedent himself requested recording and that after recording it should be returned to the property. Terri Jean resides at the property.

Petitioner was unaware of the Quit Claim Deed and only became aware of it on 2-18-15 when served with a copy of Inventory and Appraisal No. 1 Corrected Final filed 2-9-15 by Terri Jean, which removes the property from the estate. Petitioner states Terri Jean filed her petition for Letters of Administration on 9-17-13 and indicated the property was part of the estate and that Decedent died intestate. Until 2-9-15, Terri Jean had not disclosed the existence or produced a copy of the Quit Claim Deed or the Will.

Petitioner states Terri Jean did not investigate the validity of the Quit Claim Deed or did not do so thoroughly enough to look up the notary Sarbjeet Kaur and obtain copies of the notarial journal. Terri Jean is the only person that would benefit if the Quit Claim Deed were valid because the property would pass directly to her and would not be divided equally between her and the decedent's two children.

Petitioner states jurisdiction under Probate Code §850(a)(2) to resolve disputed property claims for estate property is concurrent and not exclusive. Authority provided.

Petitioner requests that:

- 1. Finding that all facts stated in the Petition are true and that all notices required by law have been duly given;**
- 2. The Court find and direct Terri Lynn Wekseth (Jean) to transfer and quitclaim any and all interest in the property to the Administrator of the Estate of Randy A. Jean;**
- 3. Such other and further orders be made as this Court may deem proper under the circumstances.**

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

1. The Notary Journal Entry at Exhibit A does not indicate a document type. The certification of notary journal entry referenced as Exhibit B verifies that the attached photocopies of the journal entry are true and correct; however, her statement as to the document type: "The Document type... Randy A Jean- In Case of Death. (His will to protect people he need to)" does not appear to be a verified statement, and this information is not reflected in the journal entry. The Court may require a verified declaration from the notary as to the specific nature of the document type that was notarized, or further documentation.
2. Petitioner appears to allege that this document dated 10-6-08 was the decedent's will, as set forth in the notary's declaration referenced in #1 above. The Court may require clarification as to why this document was never requested to be admitted to probate as a will, either previously, or now, with reference to Probate Code §8504. (Note: Admission would require production and proving. The original document has never been deposited with the Court pursuant to Probate Code §8200.)
3. Petitioner was originally granted a fee waiver in connection with her petition for appointment as special administrator, ex parte request for order shortening time, and petition for probate, which filing fees would total \$695.00. The filing fee for this petition (\$435) was paid. Examiner notes that outstanding filing fees will be due upon any distribution to Petitioner. Alternatively, as it appears Petitioner's circumstances may have changed, or her attorney may now be advancing fees, the Court may require further application pursuant to Government Code 68636(a).
4. Need order.

14A In Re: The Ostergaard Family Trust**Case No. 15CEPR00449**

Attorney: Michael M. Buettner (for Trustee Michael Mehling)

Attorney: C. Russell Georgeson (co-counsel for Michael Mehling)

Attorney: Mark E. Chielpegian (for Petitioner Karlene L. Stefani)

Petition to Modify First Amendment

		KARLENE L. STEFANI is petitioner. Please see petition for details. Trustee Michael Mehling's Opposition to Petition to Modify First Amendment filed on 1/25/16.	NEEDS/PROBLEMS/COMMENTS: Continued from 5/17/16. Minute order states Counsel represents that they have continued efforts to settle, and they request an additional 30 days to further discussions.	
Cont. from 012616, 051716				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
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<input type="checkbox"/>	Letters			
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<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 6/9/16	
			Updates:	
			Recommendation:	
			File 14A- Ostergaard	

14A

14B In Re: The Ostergaard Family Trust**Case No. 15CEPR00449****Attorney: Michael M. Buettner (for Trustee Michael Mehling)****Attorney: C. Russell Georgeson (co-counsel for Michael Mehling)****Attorney: Mark E. Chielpegian (for Karlene L. Stefani)****Probate Status Hearing RE: Trial Readiness in Light of the Court's Ruling**

	Trustee, MICHAEL MEHLING , filed a petition Instructing Trustee.	NEEDS/PROBLEMS/COMMENTS: Continued from 5/17/16. Minute order states Counsel represents that they have continued efforts to settle, and they request an additional 30 days to further discussions.
	The Petition Instructing Trustee is currently set for trial on 9/13/16.	
Cont. from 051716		
Aff.Sub.Wit.	On 11/20/15, beneficiary, KARLENE STEFANI, filed a Motion to Compel Further Responses to Discovery. – On 1/26/16 the court took the matter under submission. Order on Motion to Compel Further Responses to Discovery was signed on 4/4/16.	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	On 11/23/15, beneficiary, KARLENE STEFANI, filed a Petition to Modify First Amendment (please see page 9A).	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	On 12/3/15, beneficiary, KARLENE STEFANI, filed a Petition to Compel Trustee to Account, Remove Trustee and Appoint Successor and Surcharge Trustee for Breaches of Trust (please see page 9C)	
Conf. Screen		
Letters		
Duties/Supp		
Objections	Minute order dated 1/26/16 ordered Counsel to pursue mediation forthwith and set this status hearing re Trial Readiness in Light of the Court's Ruling.	
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Please see additional page

Reviewed by: KT

Reviewed on: 6/9/16

Updates:

Recommendation:

File 14B- Ostergaard

14B

Status Report of Michael Mehling, Trustee of the Ostergaard Family Trust was filed on 5/6/16. Trustee states Discovery has been propounded in the Petition Instructing Trustee. Petition Instructing Trustee is currently set for trial on 9/13/16.

Petitions to be set for trial on 5/17/16 include:

1. Petition to Modify Trust Amendment.
2. Petition to Compel Trustee to Account, Remove Trustee and Appoint Successor Trustee and Surcharge Trustee for Breach of Trust.

Time for trial is estimated as follows:

2 days for the Petition Instructing Trustee.

1 day for the Petition to Modify First Amendment.

4 days for the Petition to Compel Trustee to Account, Remove Trustee and Appoint successor Trustee and Surcharge for breach of Trust.

Settlement and Mediation:

An all-day mediation was held with Retired Justice Steven M. Vartabedian on 4/7/16. No settlement was reached that day. He however did agree to make himself available for further mediation.

Settlement potential: Because of recent and continued discussions between counsel, Trustee, Michael Mehling, is optimistic a negotiated resolution can be reached between the Trustee and all beneficiaries on outstanding matters.

Requested Action:

1. Order all the parties, Trustee and Beneficiaries to engage in further settlement discussions and to utilize the services of Retired Justice Steven M. Vartabedian to assist in settlement negotiations of all issues.
2. Set the hearing (trial) on all Petitions presently pending for September 13, 2016, setting aside 5 days for trial of all pending petitions.

14C In Re: The Ostergaard Family Trust**Case No. 15CEPR00449**

Attorney: Michael M. Buettner (for Trustee Michael Mehling)

Attorney: C. Russell Georgeson (co-counsel for Michael Mehling)

Attorney: Mark E. Chielpegian (for Petitioner Karlene L. Stefani)

Petition to 1) Compel Trustee to Account, 2) Remove Trustee and Appoint Successor, and 3) Surcharge Trustee for Breaches of Trust

		KARLENE L. STEFANI is petitioner. Please see petition for details. Trustee Michael Mehling's Opposition to Petition to 1) Compel Trustee to Account, 2) Remove Trustee and Appoint Successor, and 3) Surcharge Trustee for Breaches of Trust filed on 1/25/16.	NEEDS/PROBLEMS/COMMENTS: Continued from 5/17/16. Minute order states Counsel represents that they have continued efforts to settle, and they request an additional 30 days to further discussions. Petition does not name a proposed successor trustee. Order contains a place to insert a date for a hearing for the purpose of nominating and appointing a successor trustee. Order also contains a place to insert a date for a hearing for the purpose of surcharging Trustee, Michael Mehling.	
Cont. from 012616, 051716				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: KT				
Reviewed on: 6/9/16				
Updates:				
Recommendation:				
File 14C- Ostergaard				

14C

Petitioner Harshaw, Anna Marie (Pro Per – Paternal Aunt – Petitioner)

Petition for Appointment of Guardian of the Person

		See petition, objections for details.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 4/26/16:</u> Written objections are to be filed and properly served no later than 5/30/16. <u>Petitioner:</u> 1. Although the mother has appeared and filed objections, it does not appear she was properly served. The Court may require service per Probate Code §1511. <u>Objector:</u> 2. Need proof of service of Objection on Petitioner Anita Marie Harshaw, and the minor Christopher Harshaw, Jr.	
Cont. from 042616				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			x
	Aff.Mail			x
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			x
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
✓	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
		Reviewed by: skc		
		Reviewed on: 6/8/16		
		Updates:		
		Recommendation:		
		File 20- Harshaw		

**21 In the Matter of: The MIKE RICO and Annie Rico 2000 Family Revocable Trust,
Under Declaration of Trust dated 4/25/00 Case No. 16CEPR00327**
Attorney: Grant N. Mitchell (for Petitioner Erlinda Valdez)

Petition for Instructions to Trustee

		ERLINDA VALDEZ , Trustee, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states the purpose of this petition is to request the court instruct the trustee that:	1. Court may require itemization of Trustee fees. – Declaration of Trustee filed on 6/8/16. (please see last page)
Cont. from 051016		1. She may pay, as an expense of the trust, for services rendered to the trust by her husband, DOMINGO VALDEZ, JR.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
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	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		2. She may sell the real property to herself in her individual capacity.	
		Background:	
		MIKE RICO and ANNIE RICO, husband and wife executed the Trust on 4/25/2000. MIKE RICO and ANNIE RICO were the initial trustees of the Trust. The only asset of the Trust was and is MIKE RICO and ANNIE RICO'S residence located in Sanger.	
		ANNIE RICO died on 1/13/2013 and MIKE RICO became the sole trustee.	
		Upon the death of ANNIE RICO the Trust was divided into two sub-trusts. The Survivor's Trust and the Bypass Trust.	
		The Survivor's Trust held a ½ interest in the residential real property and the Bypass Trust held a ½ interest in the residential real property.	
		MIKE RICO died on 8/25/14.	
		Please see additional page	
			Reviewed by: KT
			Reviewed on: 6/9/16
			Updates:
			Recommendation:
			File 21- Rico

**21 In the Matter of: The MIKE RICO and Annie Rico 2000 Family Revocable Trust,
Under Declaration of Trust dated 4/25/00 Case No. 16CEPR00327**

The Trust provides that upon the death of the surviving spouse, the trustee of the Survivor's Trust shall distribute the remaining balance of the Survivor's Trust to one or more persons or entitles, on any terms and conditions the surviving spouse (ultimately MIKE RICO) may appoint by will or codicil specifically referring to and exercising his power of appointment.

On 8/6/14, MIKE RICO executed his Last Will and Testament in which he exercised his power of appointment. The power of appointment designated all assets of the Survivor's Trust to his daughter ERLINDA VALDEZ.

The Trust provides that upon the death of the surviving spouse, the trustee of the Bypass Trust shall divide the assets of the Bypass Trust into equal shares, one share for each child of the Trustors, namely Petitioner, ERLINDA VALDEZ, son, GEORGE RICO and daughter, DIANE ARCHULETA.

Because the Survivor Trust and the Bypass Trust each contain a $\frac{1}{2}$ interest in the real property, Petitioner is entitled to a $\frac{2}{3}$ interest ($\frac{1}{2}$ from the Survivor's Trust and $\frac{1}{6}$ from the Bypass Trust); GEORGE RICO is entitled to a $\frac{1}{6}$ th interest and DIANE ARCHULETA is entitled to a $\frac{1}{6}$ th interest.

At the time of the death of MIKE RICO, petitioner's husband DOMINGO VALDEZ, JR. was performing landscaping and gardening services at the residence (the Trust real property) and had been since prior to the death of MIKE RICO. DOMINGO VALDEZ, JR. is a professional landscaper, with his own landscaping business. After the death of MIKE RICO, petitioner as trustee, retained DOMINGO VALDEZ, JR. to continue performing landscaping and gardening services to the real property, and petitioner orally agreed that DOMINGO VALDEZ, JR. would perform such duties until the ultimate disposal of the real property, but that he would forgo payment on those statements until the real property was sold or otherwise disposed of. The total amount billed for these services is \$3,800.00 (see Exhibit "E" to petition).

Petitioner states she has not rented the real property since the death of MIKE RICO for the following reasons: after the death of MIKE RICO she was focused on making funeral arrangements. Thereafter she met with one of the other beneficiaries and there was some discussion about the possibility of keeping the real property in the Trust to be used by the third beneficiary. By February 2015 it was apparent that this was not feasible. By that time, petitioner had decided she wanted to try to purchase the real property, if possible, and did not believe that it would be in the best interest of the real property to place a short term tenant in it. At the same time, petitioner did not want to go to the time and expense of purchasing the real property if there was going to be a contest to the Trust. Therefore she waited until the end of the 120 day period for contesting the Trust (June 25, 2015) before making a final decision on the matter. By the end of October, petitioner was in a position to purchase the real property and contacted her attorney to begin this petition. Petitioner's attorney began working on the matter in November. However, they have informed petitioner that due to the holidays and an unanticipated health emergency in the family of the attorney primarily responsible for this matter the final preparation and filing was delayed four to six weeks.

Please see additional page

**21 In the Matter of: The MIKE RICO and Annie Rico 2000 Family Revocable Trust,
Under Declaration of Trust dated 4/25/00 Case No. 16CEPR00327**

Dept. 303, 9:00 a.m. Tuesday, June 14, 2016

The Trust gives Petitioner the authority to purchase the Trust assets at their fair market value. The real property has been appraised by Probate Referee, Rick Smith. His appraisal shows the value of the real property at \$95,000.00.

The Trust provides trustee may lend or advance the trustee's own funds to the Trust for any Trust purpose, and by implication, to repaid or reimbursed for such loans and advances. Petitioner states she has advanced \$10,885.15 of her own funds to the Trust (see itemization on Exhibit "H").

The Trust is silent in regards to the ability to of the trustee to take a fee. Probate Code §15681 provides that in such a case, the trustee is entitled to compensation that is reasonable under the circumstances. Petitioner states she has performed, as trustee and on behalf of the Trusts, the following services: making arrangements for the funeral and internment of the surviving settlor, regularly checking on the real property, overseeing maintenance and repairs of the real property, paying the bills of the Trust, meeting with the attorneys for the Trust, etc. Petitioner estimates she spent a minimum of 20 hours per month in the 19 months since the death of MIKE RICO, for a total of at least 380 hours. Reasonable compensation to Petitioner for such services is \$20.00 per hour for a total of \$7,600.00.

As there is no cash in the estate, Petitioner proposes to pay the \$3,800.00 due DOMINGO VALDEZ, JR. for his services and use it as part of the purchase price of the real property.

Petitioner proposes to purchase the real property for \$95,000.00 with payment made as follows:

Costs advanced	-	\$10,885.15
Trustee fees	-	\$ 7,600.00
<u>Debt to Domingo</u>	-	<u>\$ 3,800.00</u>
Subtotal	-	\$22,285.15
 Petitioner's 2/3 interest	-	 \$48,476.57 (petitioner proposes to apply her interest to the purchase price.)
<u>Cash</u>	-	<u>\$24,238.28</u>
Total	-	\$95,000.00

Wherefore Petitioner prays for an order:

1. Instructing the trustee that the Trustee may pay the claim of DOMINGO VALDEZ, JR., as set forth herein;
2. Instructing the trustee that the trustee may sell the Trusts' real property to the trustee, in her individual capacity, on the terms set forth herein.

**21 In the Matter of: The MIKE RICO and Annie Rico 2000 Family Revocable Trust,
Under Declaration of Trust dated 4/25/00 Case No. 16CEPR00327**

Declaration of Trustee, Erlinda Valdez, in Support of Petition for Instructions filed on 6/8/16. Trustee states in response to the Court's request made at the hearing on 5/10/16 she has included copies of the billing statements for each item she advanced costs.

She has also included an itemization of Trustee. Itemized trustee fees total 168.50 hours. 168.50 hours at \$20.00 totals \$3,370.00.

Declaration of Domingo Valdez, Jr. filed on 6/8/16. In response to the court's request made at the 5/10/16 hearing he has provided all the billing statements in connection with his services to the Trust. Billing statements total \$3,780.00.

Note: Examiner interlineated the order to reflect the changes in trustee fees and gardener charges.

New breakdown is as follows:

Costs advanced	-	\$10,885.15
Trustee fees	-	\$ 3,370.00
<u>Debt to Domingo</u>	-	<u>\$ 3,780.00</u>
Subtotal	-	\$18,035.15
 Petitioner's 2/3 interest	-	 \$48,476.57 (petitioner proposes to apply her interest to the purchase price.)
<u>Cash</u>	-	<u>\$28,488.28</u>
Total	-	\$95,000.00